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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,108	09/28/2001	James M. Coleman	42390P12314	8096

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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/967,108

Applicant(s)

COLEMON, JAMES M.

Examiner

Joseph T. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-31 rejected under 35 U.S.C. 102(e) as being anticipated by Epstein et al., Patent #6,327,343.**

Regarding claims 1, 11, and 14 Epstein teaches a method, machine-readable medium, and apparatus comprising:

means for receiving an incoming call at a voice mail port of a voice mail system(*all of Fig.1 is a voice mail system; port is from caller 14 to VM system 10*) from a connected private telephone switch(*switch 10 of Fig.1 is private*), the switch being coupled between the PSTN(Public Switched Telephone Network) and a plurality of individual subscriber telephones, the incoming call coming to the switch through the PSTN(*col.3 lines 34-51; caller calls system 10 via a PSTN*), the voice mail system having greeting and message storage for at least some of the plurality of individual subscriber telephones, the incoming call being directed to one of the plurality of individual subscriber telephones (*Fig.1 and col. 4 lines 34-65, all of Fig.1 is a voice mail system*);

receiving a call handle associated with the incoming call at the voice mail system

from the switch(col.2 lines 21-41, col.3 lines 32-51, col.7 lines 14-49, col.8 lines 10-20), receiving an indication from the switch of whether the incoming call has been previously handled by the voice mail system(*col.7 lines 39-49; claim does not limit when the handle or indication is received*), applying the call handle to a database of the voice mail system to retrieve caller information stored in the voice mail system database that is associated with the call handle(col.8 lines 15-21 and col.10 lines 61-67), if the incoming call has been previously handled by the voice mail system and using the retrieved caller information at the voice mail system to handle the call if caller information associated with the call handle is found and asking the caller to enter personal selections if the incoming call has not been previously handled by the voice mail system (col.7 lines 39-49).

Regarding claim 2, Epstein teaches the method of claim 1, wherein receiving a call handle comprises receiving a tone sequence at a port of the voice mail system decoding the tone sequence, and deriving the call handle from the decoded tone sequence(col.8 lines 10-14).

Regarding claim 3, Epstein teaches the method of claim 2, wherein the tone sequence is a DTMF tone sequence transmitted to the port over the same transmission line as the incoming call(col.8 lines 10-14).

Regarding claim 4, Epstein teaches the method of claim 1, wherein receiving a call handle comprises receiving a call handle message through a digital interface(Fig.1 and col.7 lines 14-49).

Regarding claim 5, Epstein teaches the method of claim 4, wherein the digital interface comprises a digital backplane connection to a switch from which the incoming call was received(Fig.1, col.7 lines 14-49).

Regarding claim 6, Epstein teaches the method of claim 1, further comprising requesting data from the caller and storing received data in association with the call handle(col.7 lines 14-49).

Regarding claim 7, Epstein teaches the method of claim 1, wherein using the retrieved caller information comprises providing audio information in a language previously selected by the caller(col.8 lines 15-21 and col.10 lines 61-67).

Regarding claim 8, Epstein teaches the method of claim 1, if no caller information associated with the call handle is found, further comprising:  
requesting caller information from the caller, storing received caller information in association with the call handle; and using the received caller information to handle the call(col.7 lines 14-49).

Regarding claim 9, Epstein teaches the method of claim 1, wherein receiving an indication of whether the call has been previously handled comprises receiving an indication of whether the call has been forwarded from one of the plurality of individual subscriber telephones(col.7 lines 14-49).

Regarding claim 10, Epstein teaches the method of claim 9, if the call has not been previously handled by the voice mail system, further comprising:  
requesting caller information from the caller;  
storing received caller information in association with the call handle; and

using the received caller information to handle the call(col.7 lines 14-49).

Regarding claim 12, Epstein teaches the medium of claim 11, wherein if no caller information associated with the call handle is found, the instructions, when executed by the machine, cause the machine to perform further operation comprising:  
requesting caller information from the caller;  
storing received caller information in association with the call handle; and  
using the received caller information to handle the call(col.7 lines 14-49).

Regarding claim 13, Epstein teaches the medium of claim 11, wherein if the call has not been previously handled by the voice mail system, the instructions, when executed by the machine, cause the machine to perform further operations comprising:  
requesting caller information from the caller;  
storing received caller information in association with the call handle; and  
using the received caller information to handle the call(col.7 lines 14-49).

Regarding claim 15, Epstein teaches the apparatus of claim 14, wherein the voice mail system port to receive the call handle comprises a digital interface(col.7 lines 14-49).

Regarding claim 16, Epstein teaches the apparatus of claim 15, wherein the digital interface comprises a digital backplane connection to a switch from which the incoming call was received(col.10 line 66-col.11 line 53 and col.12 lines 37-45).

Regarding claims 17, 22, and 25 Epstein teaches a method, apparatus, and machine-readable medium comprising: means for receiving an incoming call at a private telephone switch through the PSTN(Public Switched Telephone Network), the incoming

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call being directed to one of a plurality of individual subscriber telephones that are coupled to the switch(Fig.1, col.2 lines 21-41, col.3 lines 32-51, col.7 lines 14-49, col.8 lines 10-20), and generating a call handle for the incoming call at the switch(Fig.1 and col.7 lines 14-49), routing the incoming call to a port of a connected call handling system, the call handling system having greeting and message storage for at least some of the plurality of individual subscriber telephones(Fig.1, col.8 lines 15-21 and col.10 lines 61-67);

sending the call handle to the call handling system in association with the routed incoming call; sending an indication to the call handling system of whether the routed incoming call has been previously handled by the voice mail system in association with the routed call (*col.7 lines 14-49, col.8 lines 15-21 and col.10 lines 61-67; claim does not limit when an indication is sent*).

Regarding claim 18, Epstein teaches the method of claim 17, wherein sending the call handle comprises deriving a tone sequence for the identification, coding the tone sequence into tones and sending the tone sequence as a set of in-band signaling tones to the call handling system port(col.7 lines 14-49).

Regarding claim 19, Epstein teaches the method of claim 18, wherein the tone sequence is a DTMF tone sequence transmitted to the call handling system port over the same transmission line as the incoming call(col.7 lines 14-49).

Regarding claim 20, Epstein teaches the method of claim 17, wherein sending the call handle comprises sending an identification message through a digital

interface(col.7 lines 14-49).

Regarding claim 21, Epstein teaches the method of claim 20, wherein the digital interface comprises a digital backplane connection to the call handling system(Fig.1, col.7 lines 14-49).

Regarding claim 23, Epstein teaches the medium of claim 22, wherein the instructions for sending the call handle comprise instructions which, when executed by the machine, cause the machine to perform further operations comprising sending an identification message through a digital interface(col.7 lines 14-49).

Regarding claim 24, Epstein teaches the medium of claim 23, wherein the digital interface comprises a digital backplane connection to the call handling system(col.7 lines 14-49).

Regarding claim 26, Epstein teaches the apparatus of claim 25, wherein the interface comprises a digital interface(Fig.1, col.7 lines 14-49).

Regarding claim 27, Epstein teaches the apparatus of claim 26, wherein the digital interface comprises a digital backplane connection to the call handling system(col.7 lines 14-49).

Regarding claim 28, Epstein teaches the method of claim 1, further comprising releasing the call to the switch and, after a sufficient time, deleting caller information associated with the call handle(col.7 lines 14-49).

Regarding claim 29, Epstein teaches the medium of claim 11, wherein the instructions further comprise instructions which, when executed by the machine, cause the machine to perform further operations comprising releasing the call to the switch



and, after a sufficient time, deleting caller information associated with the call handle(col.7 lines 14-49).

Regarding claim 30, Epstein teaches the method of claim 17, further comprising releasing the call and, after a sufficient time, reusing the call handle for another call(col.7 lines 14-49).

Regarding claim 31, Epstein teaches the medium of claim 22, further comprising releasing the call and, after a sufficient time, reusing the call handle for another call(col.7 lines 14-49).

### ***Response to Arguments***

2. Applicant's arguments filed 10/03/05 have been fully considered but they are not persuasive. Examiner reserves the right to use other cited line references within the prior art of record, Epstein to read onto applicant's claims as Epstein discloses several embodiments that can read onto the claims as broadly recited above.

Applicant argues that Epstein does not teach "*receiving a call handle associated with the incoming call*" but instead teaches that the call handle is associated with the caller and not the call. While examiner agrees that Epstein does teach that the call handle is associated with a caller, the claim as recited does not limit the examiner to interpret the limitation as such. The caller in Epstein is associated with the incoming call and therefore "the call handle is associated with the incoming call".

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, as Epstein discloses in col.2 lines 21-41, col.3 lines 32-51, and col.8 lines 10-20, other call handles can be associated the incoming call.

To more clearly explain how Epstein can read onto the broad claims as recited above, examiner added notes and additional line references in Epstein to the claims for more clarification.

Applicant is invited to telephone examiner if additional clarification is needed.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP  
December 9, 2005



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